REMARKS/ARGUMENTS

This response is submitted in reply to the Office Action dated January 13, 2010. Claims 1-23 currently stand rejected. As explained below, however, Applicants respectfully submit that the claimed invention is patentably distinct from the cited references, taken in any proper combination. Nonetheless, Applicants have amended various ones of the claims to further clarify the claimed invention. No new matter has been added by the amendment. In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

A. Claims 1, 2, 4-7, 10-13, 15-18, and 21-23 are Nonobvious.

Claims 1, 2, 4-7, 10-13, 15-18, and 21-23 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,598,067 to Wydra in view of IBM TDB - Remote Propagation of Activity Service Customized Properties/Customization of Activity Service Use of Property Groups (hereinafter "IBM"). However, the cited combination fails to teach or suggest all of the elements of the claims and the claimed invention is not an obvious variant of the cited combination. In particular, Wydra is relied upon for allegedly teaching or suggesting "causing a connection point address of the service to be provided to the client by the service broker," as recited in independent claim 1, and similarly in independent claims 12 and 23, but Wydra fails to teach or suggest this feature of the claims and IBM does not cure the deficiencies of Wydra in this regard.

Wydra describes, and the Examiner notes, that the "service broker" of Wydra is located at the client side of the communications, whereas the claims of the present application use the term "service broker" to describe a component that is located server-side. To avoid confusion between these terms, in the discussion that follows the expression "service broker" will be used to describe the server-side component in the present claims and the term "extra broker" will be used to describe the client-side element in Wydra, although the term "extra broker" is not used in Wydra.

Wydra describes a client application that is running on a client computer. The client application is able to make use of a service that is located at a remote computer called an "application server." Various extra components are present at the application server described

by Wydra (e.g., a schedule controller, connection controller, and listener) which, together with an extra component at the client computer, make up the Application Server Framework (ASF) of Wydra. The extra component at the client computer is what Wyldra refers to as the "service broker," and which, subsequently herein, is referred to as the "extra broker."

When the client application in Wydra requires the use of a service, the client application provides a request to the extra broker. Both the client application and the extra broker are located on the same computer. This extra broker has knowledge of the available application servers for use to select an appropriate server and arrange for the service to be performed from the selected server. The extra broker is described as providing a "handle" of the service to the client computer (col. 10, ll.23-28, as cited by the Examiner). However, the disclosure of Wydra nowhere discusses what the client computer actually does with this handle. The handle is certainly not disclosed by Wydra as being provided to the client application or another application that could be correlated to the client of the claims. Additionally, Wydra describes the service as being run in a "fire and forget mode" (col. 10, l.15), which implies that, other than reporting that the service has been performed, there is little interaction with the service from any of the components in the system. Again, Wydra fails to suggest that the client application is provided with the handle of the service, and nowhere is it implied that any direct communication takes place between the client application and the service. Based on the disclosure provided in Wydra, there is also no clear way in which the listener, connection controller, and listener, as described in Wydra, might work to enable such direct use of the handle by the client application.

As such, the independent claims indicate that the connection point address is provided to the client, but this feature is not disclosed in Wydra for at least the reason that Wydra does not describe anything akin to providing the service's "handle" to the client application. The provision of the handle to the client computer of Wydra does not satisfy the independent claims because a connection point address is not provided to the client application of Wydra. Further, Wydra does not suggest that any direct communication takes place between the client application and the service, and there would therefore be no reason to modify Wydra so that a connection point address was provided to the client application.

Additionally, Wydra makes clear that an extra broker is required for every single client computer whose client applications may ever need to use a service of the application server. In this regard, see for example Fig. 7 of Wydra, which shows three client computers (22-1, 22-2, 22-N) that are connected to one of the application servers (24-1). Each of these connections is between a listener (32) at the application server (24-1) and an extra broker (30-1, 30-2, 30-N) within each the respective client computers (22-1, 22-2, 22-N). Although only three client computers are shown in Fig. 7, there may, of course, be thousands, or hundreds of thousands with each client computer requiring its own extra broker. When any client application on any one of these client computers needs to use a service, it would then be necessary for the client computer's extra broker to be already running, or the service request would be delayed so that the extra broker can be launched.

Contrast this with the approach according in the claims of the present application, where each client in each first computing device communicates directly with a single service broker that is running on the second computing device (e.g., the application server). It is therefore unnecessary to provision every possible first device (client computer) with its own copy of the extra broker (*per* Wydra), or to make sure that an extra broker component is running on the first device before service requests can be made (*per* Wydra). Instead, it is the client itself that directly contacts the second device according to the claimed invention. This concept is described nowhere in Wydra, and comes with the above described advantages.

Thus, the cited combination fails to render the claims obvious, because Wydra does not teach or suggest features that the Office Action relies upon. Further, IBM does not cure these deficiencies and IBM is not cited for this purpose. As such, independent claims 1, 12, and 23, and their respective dependent claims, are patentable over Wydra and IBM for at least the reasons cited above. The rejection of claims 1, 2, 4-7, 10-13, 15-18, and 21-23 is therefore overcome.

B. Claims 3, 8, 9, 14, 19, and 20 are Nonobvious.

Claims 3, 8, 9, 14, 19, and 20 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wydra and IBM in various combinations with RFC 1833: Binding Protocols for ONC RPC Version 2 to Raj Srinivasan (hereinafter "Srinivasan"), U.S. Patent No. 6,842,903
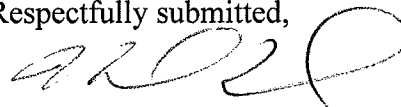
to Weschler (hereinafter "Weschler"), and/or U.S. Patent No. 6,289,392 to Bugbee (hereinafter "Bugbee"). However, these combinations rely upon Wydra and IBM for disclosing the same features as described above with respect to the rejection of the independent claims. Since Wydra and IBM fail in this regard, and Srinivasan, Weschler, and Bugbee do not cure the deficiencies of Wydra and IBM (nor are Srinivasan, Weschler, and Bugbee cited for this purpose), dependent claims 3, 8, 9, 14, 19, 20 are patentable over the cited combinations due at least to the failures of Wydra and IBM. The rejections of claims 3, 8, 9, 14, 19, and 20 are therefore overcome.

CONCLUSION

In view of the amendments and remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

Nathaniel T. Quirk
Registration No. 60,676

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON **July 12, 2010.**